

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Natalya Barsukova,

Plaintiff,

v.

Hospital Billing & Collection Service, Ltd; and
DOES 1-10, inclusive,

Defendants.

Civil Action No.: _____

COMPLAINT

For this Complaint, the Plaintiff, Natalya Barsukova, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Fair Debt Collections Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of Plaintiff's personal privacy by the Defendants in their illegal efforts to collect a consumer debt.

2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

4. Plaintiff, Natalya Barsukova ("Plaintiff"), is an adult individual residing in Swampscott, MA and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).

5. Defendant, Hospital Billing & Collection Service, Ltd, (hereafter “HBCS”), is a Delaware corporation with its principal office at 118 Lukens Drive, Riveredge Park, New Castle, DE 19720, operating as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6).

6. Does 1-10 (the “Collectors”) are individual collectors employed by HBCS and whose identities are currently unknown to the Plaintiff. One or more of the Collectors may be joined as parties once their identities are disclosed through discovery.

7. HBCS at all times acted by and through one or more of the Collectors.

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

8. The Plaintiff allegedly incurred a financial obligation (the “Alleged Debt”) to the North Shore Medical Center (the “Creditor”).

9. The Alleged Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, and which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

10. Thereafter, the Alleged Debt was purchased, assigned or transferred to HBCS for collection, or HBCS was employed by a creditor to collect the Alleged Debt.

11. The Defendants then made numerous attempts to collect the Alleged Debt from the Plaintiff, each of which was a “communication” as defined by 15 U.S.C. § 1692a(2).

B. HBCS Engages in Harassment and Abusive Tactics

12. The Plaintiff received a validation notice from the Defendants which advised her of her rights under state and federal law, including her right to dispute the Alleged Debt.

13. The Plaintiff timely disputed the Alleged Debt in writing.

14. The Plaintiff did not receive any verification of the Alleged Debt from the Defendants.

15. Notwithstanding their failure to provide the Plaintiff with verification, the Defendants attempted to collect the Alleged Debt from the Plaintiff by sending her another dunning letter demanding payment in full. *See Ex. 1*, attached hereto.

C. The Plaintiff Suffered Actual Damages

16. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendants' unlawful conduct.

17. As a direct consequence of the Defendants' acts, practices and conduct, the Plaintiff suffered and continues to suffer from humiliation, anger anxiety, emotional distress, fear frustration and embarrassment.

18. The Defendants' conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized society.

COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692, *et seq.***

19. The Plaintiff incorporates by reference all of the allegations set forth above as though fully stated herein.

20. The Defendants employed false and deceptive means to collect a debt, in violation of 15 U.S.C. § 1692e(10).

22. The foregoing acts and omissions of Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

23. The Plaintiff is entitled to damages as a result of Defendants' violations.

COUNT II

VIOLATION OF THE MASSACHUSETTS CONSUMER PROTECTION ACT, M.G.L. c.93A § 2, *et seq.*

24. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

25. The Defendants employed unfair or deceptive acts to collect the Alleged Debt, in violation of M.G.L. c. 93A § 2.

26. The Defendants failure to comply with these provisions constitutes an unfair or deceptive act under M.G.L. c. 93A § 11, and, as such, the Plaintiff is entitled to double or treble damages plus attorney's fees.

COUNT III

COMMON LAW FRAUD

27. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

28. The acts, practices and conduct engaged in by the Defendants and complained of herein constitute fraud under the Common Law of the State of Massachusetts.

29. The Plaintiff has suffered and continues to suffer actual damages as a result of the foregoing acts and practices, including damages associated with, among other things, humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment caused by the Defendants. All acts of the Defendants and Collectors complained of herein were committed with malice, intent, wantonness and recklessness, and as such, Defendants are subject to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against Defendants awarding her:

1. Actual damages including, but not limited to, the emotional distress she has suffered (and continues to suffer) as a result of the intentional, reckless, and/or negligent FDCPA violations and intentional, reckless, and/or negligent invasions of privacy pursuant to 15 U.S.C. § 1692k(a)(1);
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);
4. Double or treble damages plus reasonable attorney's fees pursuant to M.G.L. c. 93 § 3A;
5. Actual damages for all the damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations and invasions of privacy in an amount to be determined at trial.
6. Punitive damages; and
7. Such other and further relief as the Court may deem just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: January 27, 2010

Respectfully submitted,

By /s/ Sergei Lemberg_____

Sergei Lemberg, Esq.
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A Connecticut Law Firm
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Stamford, CT 06905
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Facsimile: (877) 795-3666
Attorney for Plaintiff

Exhibit 1

HBCS
2424 NORTHGATE DRIVE, SUITE 100
SALISBURY, MD 21801
Temp-Return Service Requested



P.A.A.N. 6789480

DEC 25 2009

Date of Service: 05/12/09

Original Creditor: THE NORTH SHORE MEDICAL CENTER
Patient Name: Natalya Barsukova
Patient Responsibility: \$40.75

Account Number: 1052199856

13439-282



NATALYA BARSUKOVA
402 PARADISE RD
4J
SWAMPSCOTT, MA 01907-1356

BD-202-250

Dear Natalya Barsukova:

Our previous request for payment of your account has been ignored. Your failure to make payment in full immediately will cause us to continue our collection efforts. Payment in full will prevent this action.

This communication is from a debt collector.

Sincerely,

Collection Division
1-800-344-3162
Hours: Monday-Thursday 8:00am-9:00pm, Friday 8:00am-5:00pm EST.

Payments received will be applied to the oldest account. To have your payment applied to a specific account, please call the toll free number listed above.

PAP-581-A-0

Hospital Billing & Collection Service, Ltd. is a debt collector that is attempting to collect a debt and any information obtained will be used for that purpose.

If Payment Has Already Been Made Please Disregard This Letter

BD-0202-13439-282

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Re: THE NORTH SHORE MEDICAL CENTER
Patient Name: Natalya Barsukova
Account Number: 1052199856
Patient Responsibility: \$40.75

25001 51 00000000000000000000 006789480 0 00004075 3

Payment Amount \$ _____

HBCS
PO BOX 83172
WOBURN MA 01813-3172
|||||

BD-202-250

